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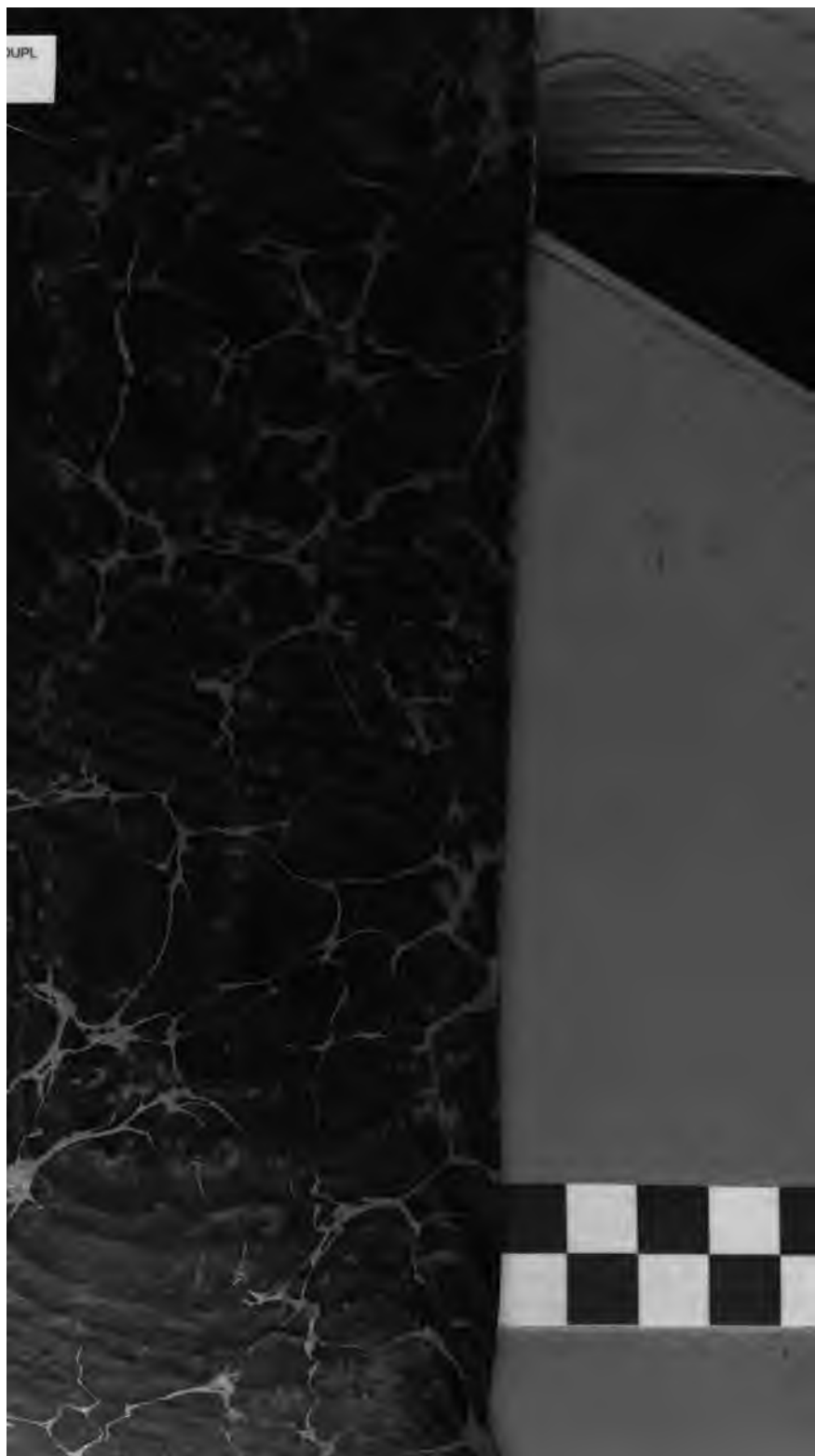
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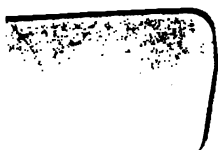
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THE ACT
INCORPORATING THE
PRESIDENT, DIRECTORS AND COMPANY
OF THE
FARMINGTON CANAL;
THE ACT
INCORPORATING THE
HAMPSHIRE & HAMPDEN CANAL COMPANY;
AND THE
SUBSEQUENT ACTS RELATING TO THOSE COMPANIES.
-
ALSO, THE ACTS OF THE
Legislatures of Massachusetts and Connecticut,
INCORPORATING THE
NEW HAVEN AND NORTHAMPTON COMPANY.

New Haven :
PRINTED BY WILLIAM STOREY, JUN.

1838.

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1838

AN ACT TO INCORPORATE THE FARMINGTON CANAL COM- PANY.

At a General Assembly of the State of Connecticut, holden at New Haven, in said State, on the first Wednesday of May, A. D. 1822 :

Upon the petition of ANDREW HULL, JUN. and others, praying for a Canal Incorporation, as per petition on file :

SEC. 1. *Resolved by this Assembly,* That a Canal may be constructed, and hereby is established, from the tide waters of the harbor, in the city of New Haven, through this State, to the north line thereof, at Southwick, in the State of Massachusetts, passing through the town of Farmington ; and also, from Farmington up the Farmington river, to the north line of the town of Colebrook, it being the State line, passing through the town of New Hartford.

SEC. 2. That for the purpose of constructing, and for ever maintaining said Canal, a Company hereby is incorporated, by the name of THE PRESIDENT, DIRECTORS AND COMPANY OF THE FARMINGTON CANAL ; and by that name said corporation shall, for ever, be capable in law and equity, to sue and be sued, defend and be defended, in all courts whatever, to have and use a common seal, such as they shall devise, and the same to change and alter, at pleasure ; to make and establish such rules, regulations and by-laws, from time to time, as shall appear necessary, or convenient for the government of said corporation, and for the preservation and due management of said Canal, with the other property which shall, or may belong to said corporation ; and the same rules, regulations and by-laws may cause to be duly executed ; provided, they are not repugnant to the constitution and laws of this State ; and may annex penalties to the breach thereof, not exceeding ten dollars ; and may appoint such officers, and employ such laborers as shall be necessary. The stock of said corporation may amount to such sum or sums of money, as shall be necessary to carry into complete effect, the entire object of said corporation, and shall be divided into shares of one hundred dollars each ; which shares shall be transferable, and be considered and

treated as personal property ; and all the powers incident to, and necessary for carrying into effect the object of this incorporation, hereby are vested in said corporation ; and said Canal shall be so made as to admit suitable sized Canal Boats, and other things usually transported on Canals.

SEC. 3. That said corporation may purchase, and for ever hold so much land and real estate as may be necessary for making said Canal, towing-paths and berm, erecting locks, aqueducts, culverts, dams, waste-weirs, and toll-houses, and also for the purpose of feeders ; and for public accommodation, to purchase and hold such other lands as said corporation shall judge necessary, and thereon to construct basins, or artificial harbors for the canal boats, with side cuts or lateral canals thereto, at such place or places as said corporation shall judge expedient. And said corporation are also hereby authorized to purchase and hold any mills, manufactories, or mill-seats upon said Canal, or adjacent thereto, and upon such mill-seats, to erect such mills, or manufactories, as said corporation may judge expedient, and the same may rent, occupy, alien and convey, by lease or deed, under the hand of the Treasurer, with the seal of said corporation affixed thereto, in such way and manner, as said corporation shall direct : *Provided however*, that no part of the land occupied by, and necessary for the Canal and the works therewith connected, shall ever be sold, but shall be used with the Canal. And said corporation shall have full right to rent, lease, or sell, any, and all surplus waters connected with the Canal, for the purposes of irrigating lands, and for all other purposes ; and may also, alienate and convey all lands not necessary for a full use of the Canal. And said corporation shall make and finish said Canal, and construct all necessary locks, aqueducts, culverts, dams, waste-weirs, towing-paths, berm, and toll-houses thereon, within the term of ten years next after the passage of this act.

SEC. 4. There shall be a Board of Commissioners for said Canal, consisting of six persons, denominated *The Commissioners of the Farmington Canal*, who shall be sworn to a faithful discharge of the trust reposed in them by virtue of this act, who shall not be interested, in any way whatever, in said corporation, who shall, with the assistance of such engineers, surveyors and other agents, as said corporation shall employ, survey and lay out the Farmington Canal, through such towns, and on such route as shall be adjudged the most feasible, and best calculated for

the purpose of constructing the Canal, and to survey and lay out the same of such width or widths, in all places as shall be necessary for the construction of said Canal, together with all the works therewith connected; and having designated the route for the Canal, said Commissioners shall, as soon as convenience will permit, notify (if practicable) the person or persons whose lands may have been taken, as is hereafter provided, for the purposes of the Canal, to appear before them, and to be heard on any, and all claims they may have for damages; on which hearing (and without a hearing, where such person or persons shall neglect to appear before them) said Commissioners shall make a just and equitable estimate and appraisal of the loss or damage, if any, over and above the benefits and advantages to the respective owners or proprietors, or parties interested in the premises, so required for the purposes aforesaid, by and in consequence of making and constructing any of the works aforesaid: and said Commissioners shall make regular entries of all their determinations and appraisals made under this act, in a book to be kept for that purpose, and shall certify and sign their names to the same; and in like manner, shall enter their determinations, where they shall allow no damages; provided however, they need make no determination or entry, where the proprietor or proprietors, gratuitously relinquish their lands to the corporation, or where the corporation and parties in interest shall mutually agree as to the price thereof; which damages thus assessed, shall be paid by said corporation to the several persons in whose favor such assessments shall have been made, within six months after the same shall be finally established; provided also, that an appeal may at any time within sixty days after the decision made by said Commissioners, be taken, as in this act is hereafter provided.

SEC. 5. That it shall and may be lawful for said corporation, by their agents, superintendents or engineers, with the consent and approbation of the Commissioners, to enter upon, and take possession of, and use all and singular any lands, waters and streams necessary for the prosecution of the improvements intended by this act of incorporation, doing nevertheless, no unnecessary damage; and in case any lands, waters or streams taken and appropriated for the purpose aforesaid, shall not be given or granted to said corporation, and in case the parties cannot agree on the damages, it shall be the duty of said Commissioners, to assess the just and equitable damages sustained thereby; in which

case, an appeal may also be taken by the party aggrieved, in the way pointed out by this act: And said corporation shall pay all such damages within six months after the final assessment thereof; and the lands, waters and streams thus taken, shall be owned and possessed by said corporation, for the use of said Canal, forever.

SEC. 6. Whereas, it may so happen, that said Canal, or the works connected therewith, may be injured by unforeseen accidents, whereby the navigation thereof may be interrupted, and the lands adjacent thereto, may be exposed to damage; therefore, for a speedy reparation of such injury, that whenever, and as often as such case shall happen, it shall be lawful for said corporation, by their agents, engineers or workmen, with carts, wagons, or other carriages, together with all necessary teams and tools, to enter upon any lands contiguous to the said Canal, or the works connected therewith, to dig for, work, and to get and carry away and use all such stone, gravel, clay and other materials except timber, as may be necessary and proper for such reparations, doing as little damage thereby as the nature of the case will permit. And in case damages shall be claimed by the owner or owners of the land so entered upon as aforesaid, the same shall be assessed by the Commissioners, in the same way and manner as heretofore in this act is pointed out; and all persons aggrieved by the decisions of said Commissioners, shall have an appeal as in this act is provided.

SEC. 7. Whenever said corporation or any person interested in any decision made by said Commissioners, as aforesaid, shall be aggrieved thereby, then, and in that case, said corporation, or individual, may within sixty days after such decision, appeal to the County Court in that county where the land lies, or where the damages were sustained, for the appointment of three judicious, disinterested freeholders of the county, to review the decision of said Commissioners; and thereupon, said court shall appoint three such persons, to review the same; who shall also be sworn to a faithful discharge of their trust; and thereupon, the parties in interest, being present, or if absent, after reasonable notice given, said freeholders shall hear all such proofs as shall be laid before them; and shall also, enquire of said Commissioners, the principles on which they made their decision; and thereupon said freeholders shall review the doings of said Commissioners, and make up their award in writing, thereon, and shall return the same to

said court, who shall review the doings of said Commissioners and freeholders, and thereupon, decide the matter in dispute between the parties, which decision shall be conclusive on all parties: And said court may, at their discretion, tax costs and issue an execution accordingly: Provided however, in case said freeholders shall neglect or refuse to make their award as aforesaid, within sixty days next after their appointment, the party appealing, as aforesaid, shall take nothing by his appeal.

SEC. 8. No person shall construct any bridge across, or wharf, basin, or watering place on, or make and apply any device whatever, for the purpose of turning any water into, or taking any water from said Canal, without first obtaining permission therefor, from said corporation, in writing duly executed; and in case any person shall construct such bridge, wharf, basin, watering place, or device, as aforesaid, he shall forfeit and pay to said corporation the sum of thirty-five dollars; and said corporation shall remove the same, at the expense of the person so making the same, as aforesaid; and for all damage done to said Canal, or any of the works connected therewith, said corporation may sue in any court of competent jurisdiction.

SEC. 9. Said corporation shall build and keep in good repair, suitable and convenient bridges over said Canal, in all places where said Canal shall cross any public highway or road, and also, where new roads may be laid for public use; and such other bridges over and across said Canal, for the accommodation of such persons as may own lands lying on both sides of the Canal, at such place and places and of such dimensions as the Commissioners, or a majority, shall order, and by writing direct; and shall also build toll houses at such places as the Commissioners shall direct, and shall at all times, keep and have suitable persons to tend the same, and to tend the locks which may be constructed on said Canal, so that the boatmen be not unnecessarily detained in their passage.

SEC. 10. The corporation, by their directors, may from time to time, make and order the payment of such installment or installments on the stockholders in said corporation, as shall be necessary to complete said Canal and other works connected therewith, under this act, giving public notice thereof in two or more public newspapers printed in this State, and any further notice as said corporation shall direct; and in case such stockholder or stockholders shall neglect or refuse payment thereof, he

shall forfeit all claims for dividends thereon, and the stock of such negligent holder, or so much thereof as shall be necessary, may be sold by the directors of said corporation, at public auction, after the lapse of six months; and all surplus money, the avails of such sale, after deducting such installments, shall be paid over to such negligent stockholder.

SEC. 11. The Canal Commissioners shall, at such time or times, place or places, as they judge expedient, open subscriptions for the stock of said corporation, on such terms and conditions, and to such an amount, as they shall judge necessary; which subscription they shall receive, having previously given public notice thereof, if they shall find it necessary: And said Commissioners are hereby authorized, on such subscriptions, to settle the stock of said corporation, and to warn and call the first meeting of the stockholders thereof; at which meeting, said corporation may organize by the choice of such officers, and transacting such business as shall be necessary: And the annual and other meetings of said corporation shall be warned and held at such times and places, and in such way, as said corporation by their by-laws shall order and direct; and each share in said corporation, shall entitle the owner thereof to one vote in all meetings of said corporation; and stockholders may act and vote by their attorneys duly authorized.

SEC. 12. The corporation shall keep an exact account of all disbursements, in relation to said Canal, and such other works as are necessarily connected therewith, which shall be liquidated and adjusted by said Commissioners, and when said Canal shall be completed, the Commissioners shall state the amount of such expenses, and return the same to the Controller of this State, where it is to be lodged. The Commissioners shall have power, annually, to license so many packet or passage boats as they shall deem expedient, and shall determine the sum or sums that such boat or boats shall pay to said Company; and no person or persons shall run any boat or packet upon said Canal, for the transportation of persons only, without the license first had and obtained from said Commissioners. But all other boats of proper size and construction, may be run on said Canal, either with or without freight, by any person or persons whatever; provided however, said corporation may lease out, or sell the right of running packet or passage boats thereon; that is, so many of them as shall be sufficient, at all times to accommodate the public. And said corpo-

ration may collect toll on all boats, and transit duties on all goods, wares and merchandise, produce, lumber and timber, of every name and description whatever, that is, or can be transported on said Canal, with all wood, coal, stone, sand, clay, lime, marble, ore, plaster, and other property of all descriptions; in short, on every thing transported on the Canal, whenever, and as soon as said Canal is made, or any fifteen miles thereof shall be completed, and the waters thereof shall have been let into the Canal for use; all tolls and transit duties shall be estimated for each mile's transportation on said Canal.

SEC. 13. The Canal Commissioners shall fix, and from time to time, establish the toll on the Canal boats, to be estimated on the capacity or tonnage thereof, and the transit duties on all such articles as shall or may be transported on said Canal; Provided however, said toll and transit duties shall not secure to, or collect for said corporation, more than twelve per cent. annual dividends on the stock of said corporation, over and above the annual expenses of improvements and repairs of said Canal, and other works therewith necessarily connected: Provided also, that said corporation may make semi-annual dividends of profits, which shall be punctually paid to the stockholders by their treasurer.

SEC. 14. That said corporation are hereby fully authorized to take, accept and receive, all such lands and tenements, or grants thereof, as shall be made to them gratuitously, and the same to hold, use or dispose of, in the same way and manner as their other lands under this act.

SEC. 15. That no person or persons shall lead, drive or ride any horse, ox, ass, mule or other cattle upon the towing-path, or the bank opposite to the towing-path of said Canal, except for the purpose of towing boats or other floating things upon the waters thereof, and except for the purpose of conveying articles to and from said Canal, in order to their transportation on the waters of the same, or their delivery at the place of their destination, nor shall the owner thereof suffer the same, or any hog, to run at large thereon, on pain of forfeiting a sum not exceeding ten dollars, to said corporation for each offense, to be by them recovered before any court of competent jurisdiction.

SEC. 16. That if any person shall obstruct the navigation of said Canal, by sinking any vessel, timber, stone, or other thing or things, to the bottom of said Canal, or by placing any obstruction, on or across the same, or on the towing-path thereof, or on the

bank opposite thereto, such person or persons shall forfeit and pay to said corporation for every such offense, a sum not exceeding thirty-five dollars, together with double damages, to be recovered as aforesaid.

SEC. 17. That if any person or persons shall wantonly or unnecessarily open or shut, or cause to be opened or shut, any lock gate, or any paddle or culvert gate of said Canal, or any waste gate, or drive any nails, spikes, pins, wedges, or other thing into either of the gates, or shall wantonly or maliciously break, throw down, or destroy any bridge on said Canal, such person or persons shall for every such offense, forfeit to the said corporation, a sum not exceeding thirty-five dollars, and in addition thereto, double damages, to be recovered as aforesaid.

SEC. 18. That if any person or persons shall wilfully and maliciously break, throw down, or destroy any lock, bank, waste-weir, dam, aqueduct, or culvert-gate, or toll-house belonging to said Canal, such person or persons shall for every such offense, forfeit and pay to said corporation, the sum of thirty-five dollars, together with double damages arising therefrom.

SEC. 19. That all toll collectors duly appointed by said corporation, may, at the proper place or places, for collection of toll, and transit duties, stop and detain all boats, and other property floating on said Canal, until the boatman or person having charge thereof, or the owner thereof, shall pay the full amount of toll and transit duties due to said corporation.

SEC. 20. That in all cases where any road or public highway is so located, that said Canal cannot be judiciously laid out and made, without interfering therewith, in such case or cases, said corporation may, by their engineer, cause such road or roads to be so shifted and altered, as that said Canal may be made on the best scite of ground for the purpose; provided, that when the location of any road or highway, is altered, the consent of the Commissioners be first had to the same; and provided, that said corporation shall put such road thus altered, in as good repair as the old one was, at the time of removing the same.

SEC. 21. That Messrs. Simeon Baldwin, Isaac Mills, William Moseley, George Cowles, Jonathan Pettibone, Jun. and Roger Mills, be, and they hereby are appointed Commissioners on said Canal, with full powers to do and perform all and singular the acts and things required of them under this act; for which services, said corporation shall pay them a reasonable compensation,

to be adjusted, determined and allowed by the Senate: And said Commissioners shall inspect, from time to time, the construction of said Canal and all the works connected therewith; and that whenever, and as soon as, the same shall be completed, and the waters thereof let in for use, said Commissioners shall make out and return to the Secretary of this State, their report of the survey of said Canal route; and shall also make their report of the entire expenses of said corporation in the business of making the Canal, and lodge the same with the Controller of public accounts, which shall include in it, the whole amount of the stock of said corporation; provided, that at the expiration of ten years from the rising of this Assembly, or previously, if said Canal shall be sooner constructed and completed, the Senate shall annually, thereafter, appoint Commissioners thereon, and such number as they may deem expedient; and that whenever there shall be a vacancy in the board of Commissioners, by death, resignation or otherwise, such vacancy shall be filled by the Governor, or such other person as shall administer the government of the State, by and with the consent of the Senate, and in the recess of the General Assembly, he may appoint a Commissioner or Commissioners until the next meeting of the Senate; which Commissioners may be removed from office by the Senate of this State.

SEC. 22. That the stock of said corporation shall not be listed in the list of this State, nor be subject to any taxation whatever, for the full term of twenty-one years from and after the time when said Canal shall be completed and in use.

SEC. 23. That said Commissioners shall, annually, and oftener, if necessary, carefully inspect said Canal, and the bridges across the same, with all the other works connected therewith; and if said Canal or bridges, or other works connected therewith, shall at any time be out of repair, or in case the locks shall not be faithfully tended, so that unnecessary delays happen to the passages of boats, or other things on said Canal, then, and in either case, said Commissioners may order said corporation to take no more toll or transit duties, until all suitable and necessary repairs be made on said Canal, bridges and other works connected therewith, nor until faithful and sufficient lock-tenders shall be employed by said corporation; in which case, said corporation shall not collect or receive any toll or transit duties, until they shall obtain from said Commissioners, a certificate, that all necessary repairs are made, and that suitable lock-tenders are employed by said corporation.

SEC. 24. That in case it shall so happen, that said corporation shall neglect to hold their annual meeting or meetings, for the purposes of choosing their officers, or for transacting any other business, such neglect shall not be, or operate as, a dissolution of said corporation; but said corporation may, at any time after, reorganize, by the appointment of their necessary officers, who shall have and exercise the same powers, as though they had been appointed at the annual meeting; and all the officers of said corporation shall hold their offices until others are appointed in their place.

SEC. 25. That in all cases, when the Commissioners shall meet for the purpose of transacting the business assigned them in this act, three of said Commissioners shall constitute a quorum to transact such business; provided, that not more than three attend such meeting.

SEC. 26. That whenever application shall be made to the Commissioners, for an order directing said corporation to build a bridge over said Canal, or to repair one already built, and such Commissioners shall refuse or neglect to give such order, the person or persons who shall feel aggrieved by such decision, may apply to the next County Court, within the County, in which such case shall arise, and thereupon, said Court shall appoint three good and sufficient freeholders to review the decision of said Commissioners, in the premises, on the principles, and in the manner stated in the 7th section of this bill; which freeholders shall make report of their doings to such County Court, and if the same be accepted by such Court, the decision of such freeholders shall be conclusive, on all concerned; and said corporation and such applicant, shall comply therewith, and abide thereby; and such Court shall tax costs, at their discretion, and issue execution accordingly.

SEC. 27. That all expenses that have been, or shall be incurred in procuring the inspection, examination, and surveying the location of said Canal, and also all expenses that have been, or shall be incurred preparatory to the incorporation and organization of the company, shall be refunded to those who have paid the same, out of the first installment; and the amount thereof shall be entered on the books of the company, and become a part of the capital stock.

A true copy of record,
Examined by

THOMAS DAY, *Secretary.*

RESOLVE

OF THE LEGISLATURE OF THE STATE OF CONNECTICUT, EX-
EMPTING THE STOCK AND INCOME OF CANALS FROM TAXES;
AND COMPLIANCE WITH THE CONDITIONS THEREOF.

At a regular meeting of the Stockholders of the Farmington Canal Company, legally warned and held, at the State House in the city of New Haven, on the 26th day of July, 1824—Joel Root, Esq. was chosen Chairman, and Wm. W. Boardman, Secretary.

On motion, the following Preamble and Resolutions were approved and passed.

Whereas, The Honorable General Assembly of the State of Connecticut, at their Session at Hartford, in May, 1824, passed a Resolution in the following words, viz. “Whereas the General Assembly have incorporated Companies for the purpose of constructing the Ousatonic Canal, a Canal from Sharon to the boundary of the State of New York, and also a Canal from the tide waters in New Haven to Massachusetts line—and whereas said Canals, if completed, would be of great public utility, therefore for the purpose of inducing persons to subscribe to the Stock of said Companies,

Be it resolved by this Assembly, that the stock and income of each of said Corporations shall be forever exempt from taxation—provided, however, that whenever and so long as the nett annual income of either of said Corporations shall exceed six per cent., and be less than twelve per cent. on its capital stock, said Corporations shall annually pay to the Treasurer of this State, one sixth part of such excess over six per cent., for the use of the State.

And be it further resolved, that it shall be lawful for each of said Corporations to receive and enjoy all the income from the tolls and transit duties, and other privileges, without being liable to reduce the rate of tolls and transit duties, notwithstanding the same may exceed twelve per cent. per annum; provided, however, that whenever and so long as the annual nett income of either of said Corporations shall exceed twelve per cent. on its capital stock, one fifth part of such excess over six per cent. shall an-

nally be paid to the Treasurer of this State, for the use of the State. Provided moreover, that neither of said Corporations, nor the stockholders thereof, shall be entitled to the benefit of this resolve, unless such Corporations shall lodge with the Secretary of this State, within twelve months after the choice of officers thereof, a written vote of the majority of the stockholders of such Corporation, at a regular meeting thereof, certified by their President and Secretary, expressing the assent of said Corporation to all the provisions contained in the foregoing Resolutions." *Resolved*, that this Company do assent to all the provisions in the foregoing Resolutions.

Resolved further, That these Resolutions be certified by the President and Secretary, and transmitted to the Secretary of this State.

Adjourned without day.

Attest,

WM. W. BOARDMAN, *Sec'y*.

A copy of the foregoing Resolutions, certified as therein required, was sent to THOMAS DAY, Esq., Secretary, by mail, postage paid, 27th July, 1824.

Attest,

WM. W. BOARDMAN, *Sec'y*.

AN ACT RELATING TO THE FARMINGTON CANAL.

SEC. 1. *Be it enacted by the Senate and House of Representatives in General Assembly convened*, That it shall be lawful for the President, Directors and Company of the Farmington Canal, to execute, by their Directors, the power granted them in their act of incorporation, to make and establish such rules, regulations and by-laws, from time to time, as shall appear necessary and convenient for the government of said corporation, and for the preservation and due management of said Canal, with the other property which shall or may belong to said corporation; and in the same manner to execute any other of the several powers granted to them by their said act of incorporation. *Provided always*, That the stockholders of said corporation shall, within one year from the rising of this Assembly, at a legal meeting, give their assent to the provisions of this section.

SEC. 2. That if any person owning or having charge of any boat, scow, raft, or other float navigating said Canal, or owning or

having charge of any property or thing transported on the same, shall, with intent to defraud said corporation of any toll or tolls, which said corporation have right to demand and receive, subscribe and present to any collector, or other person employed by said corporation, as surveyor, inspector or collector of tolls, any false manifest, bill of lading, account or declaration, such person shall, for every such offense, on conviction thereof, before any court of the county within which the offense shall have been committed, forfeit and pay to the Treasurer of this State, to and for the use of this State, a fine not exceeding twenty-five dollars, at the discretion of said court.

SEC. 3. That it shall be lawful for said corporation to require all manifests, accounts, bills of lading, or statements of the quantity, quality and destination of property of every sort which shall be transported on said Canal, and all declarations of any matter affecting the toll which said corporation have, or shall have right to demand or receive, to be verified by the oath or affirmation of the person making the same; which oath or affirmation, the several persons employed by said corporation to collect said tolls, shall have right to administer. And if any person shall, with intent to defraud said corporation, make oath or affirmation to any false manifest, account, bill of lading, statement or declaration, such person, so offending, shall, on conviction thereof before any Superior Court of the county within which the offense shall have been committed, forfeit and pay to the Treasurer of this State, to and for the use of this State, a fine not exceeding one hundred dollars, nor less than fifty dollars, and be imprisoned in the common gaol not exceeding six months, at the discretion of said Superior Court.

Approved, June 5th, 1829.

GIDEON TOMLINSON.

At a meeting of the stockholders of the President, Directors and Company of the Farmington Canal, held pursuant to previous legal notice, at the County Hotel in the city of New Haven, on the 6th day of July, A. D. 1829, the Hon. JAMES HILLHOUSE, President, WM. W. BOARDMAN, Secretary,

The following Resolutions were on motion passed, viz.

Whereas the Legislature of the State of Connecticut, at their late Session passed an act, the first section of which is in the following words:

SEC. 1. *Be it enacted by the Senate and House of Representatives in General Assembly convened,* That it shall be lawful for the President, Directors and Company of the Farmington Canal, to execute, by their Directors, the power granted them in their act of incorporation, to make and establish such rules, regulations and by-laws, from time to time, as shall appear necessary and convenient for the government of said corporation, and for the preservation and due management of said Canal, with the other property which shall or may belong to said corporation; and in the same manner to execute any other of the several powers granted to them by their said act of incorporation. *Provided always,* That the stockholders of said corporation shall, within one year from the rising of this Assembly, at a legal meeting, give their assent to the provisions of this section.

Resolved, That the stockholders of this Corporation do hereby give their assent to the provisions of said section.

Resolved, That the Board of Directors shall have and exercise all the powers of this Corporation, as granted in the act of incorporation, and may make and establish such rules, regulations and by-laws, from time to time, as shall appear necessary and convenient for the government of said Corporation, and for the preservation and due management of said Canal, with the other property which shall or may belong to said Corporation. Subject, nevertheless, to such by-laws and votes as the stockholders have passed or hereafter shall pass.

That the Board of Directors shall have the entire charge and management of the Canal, and of all the property and concerns of this Corporation, and all persons employed in the service of this Corporation, shall be subject to their control.

A true extract of record.

Attest,

WM. W. BOARDMAN, *Sec'y.*

RESOLUTION

EXTENDING THE TIME FOR COMPLETING THE NEW HARTFORD BRANCH CANAL, TEN YEARS FROM THE RISING OF THE ASSEMBLY, IN 1832.

At a General Assembly of the State of Connecticut, holden at New Haven in said State, on the first Wednesday of May, in the year of our Lord one thousand eight hundred and thirty-two :

Upon the petition of the President, Directors and Company of the Farmington Canal, praying, for reasons therein set forth, that the period limited in their act of incorporation, for the completion of their work, might be extended; as per petition on file, dated 3d May, 1832 :

Resolved by this Assembly; That the President, Directors and Company of the Farmington Canal be, and they hereby are authorized and empowered, under and in pursuance of their act of incorporation, to make and complete a Branch Canal from Farmington up the Farmington river, to the north line of the town of Colebrook, it being the State line, passing through the town of New Hartford, or any part thereof, any thing in the said act of incorporation to the contrary notwithstanding.

Provided always, That the works to be made and completed by virtue of this resolution, shall be made and completed within ten years after the rising of this Assembly.

A true copy of record.

Attest,

ROYAL R. HINMAN,

Secretary of State.

STATUTE LAW

CONCERNING INJURIES TO CANALS.

EDITION OF 1835: ACT CONCERNING CRIMES AND PUNISHMENTS: SEC. 68.

SEC. 68. If any person, or persons shall wilfully and maliciously obstruct the navigation of any Canal made, or which may hereafter be made, by any company incorporated for that purpose, by sinking any vessel, timber, stone, earth, or other thing to the

bottom of said Canal ; or shall wantonly and maliciously open, or shut, or cause to be opened, or shut, any lock, gate, or any paddle or culvert gate, or any waste gate of any such Canal ; or drive any nails, spikes, pins, wedges, or any other thing into either of the gates ; or shall wilfully and maliciously break, throw down, or destroy any lock, bank, waste-weir, dam, aqueduct, pier, wing, wall, culvert, or culvert-gate ; such person, or persons, being thereof duly convicted, shall be punished by fine not exceeding five hundred dollars, nor less than thirty dollars ; and in case such person, or persons shall be unable to pay such fine, he or they shall be committed to the work-house in the county, where the trial shall be had, for a term not exceeding one year, and not less than sixty days, there to be kept at hard labor ; and in case there shall be no work-house in such county, then he or they shall be confined in the common jail for a term not exceeding one year, nor less than sixty days.

COMMONWEALTH OF MASSACHUSETTS.**AN ACT
TO INCORPORATE THE HAMPSHIRE AND HAMPDEN
CANAL COMPANY.**

SEC. 1. *Be it enacted by the Senate and House of Representatives in General Court assembled, and by the authority of the same,* That Samuel Hinckley, Ebenezer Hunt, Ferdinand H. Wright, Isaac Damon, Eliphalet Williams, Samuel Fowler, Elijah Bates, William Atwater, Enos Foote, John Mills, and Heman Laffin, their associates and successors, be, and they are hereby constituted and made a body politic and corporate, and shall be and remain a corporation forever, under the name of the Hampshire and Hampden Canal Company, and by that name may sue and prosecute, and be sued and prosecuted to final judgment and execution, and may have a common seal, and the same may break, alter and renew at pleasure, and shall be and hereby are vested with all the powers and privileges, which are by law incident to corporations of a similar nature, and which are necessary to carry into effect the objects of the association.

SEC. 2. *Be it further enacted,* That the said corporation may and the same is hereby authorized to locate, construct, and fully complete a navigable canal, with locks, tow-paths, basins, wharves, dams, embankments, toll-houses, and other necessary appendages, commencing at Connecticut river in Northampton, in the county of Hampshire, and thence passing through the towns of Easthampton and Southampton in the county of Hampshire, and Westfield and Southwick in the county of Hampden, in such course or courses as may be deemed most convenient for said company, to the boundary line between Massachusetts and Connecticut, with power to employ and use, as reservoirs or feeders for the purpose of supplying with water said canal, or such works as may have any portion of their water directed from them to supply said canal, the different ponds, rivers, and streams of water, near or over which the said canal may pass, and also to save the flood and other waters of the ponds, rivers and streams, so used as aforesaid, and to construct artificial reservoirs for the purposes aforesaid. And the said corporation shall have power to

connect with said canal, by feeders or by navigable canals, any or all of said ponds, rivers, streams and reservoirs; *Provided, however*, that all damages which may be occasioned to any person or persons by any of said canals, reservoirs or feeders, or in the construction thereof, shall be satisfied by said corporation, in manner hereinafter provided.

SEC. 3. *Be it further enacted*, That if at any time after said canal or any of its branches or feeders are located, any unforeseen obstacles, impediments, or inconveniences occur on the route located, the said corporation shall have power to deviate from the course marked out, so far and in such manner, as may be best calculated to surmount, overcome, or avoid such obstacles or inconveniences, said corporation, satisfying all damages, which may be occasioned thereby in the manner hereinafter provided; and said corporation may from time to time make such alterations in the course of said canal, its branches and feeders, as may be necessary or expedient, satisfying all damages in manner aforesaid.

SEC. 4. *Be it further enacted*, That the said corporation be and is hereby authorized and empowered to purchase and hold to them and their successors forever, real estate, not exceeding in value, the sum of three hundred thousand dollars, and may erect mills and other works on the waters, connected with said canals, feeders, and reservoirs. *Provided, however*, that when by reason of the construction of said canal in any of the towns before mentioned there shall be no grist mill remaining therein, said corporation shall not be authorized to construct any other mills or works to be carried by water in such town or towns respectively until provision shall have been made for a grist mill therein, for the convenience and accommodation of the inhabitants of the same.

SEC. 5. *Be it further enacted*, That a toll be and hereby is granted and established for the sole benefit of said corporation forever, viz. for every ton (computing by weight or admeasurement at the election of said corporation) that shall be transported upon said canal or any of its branches after the rate of not less than six cents nor more than ten cents per mile, the precise rate of toll claimable by said corporation, to be determined by the court of sessions for said county of Hampshire, after a full consideration of the probable expense of said canal and the probable extent of its business, and upon application to said court for that purpose by the corporation, at any time prior to the completion of the whole or any part thereof; and all boats or other vessels, navigating

said canal or any of its branches, whether empty or loaded in part only shall be subject to pay the same toll for every ton burthen they are capable of carrying; and the right to take toll shall commence as soon as said canal or its branches or any part thereof shall be completed.

SEC. 6. *Be it further enacted,* That the said corporation shall have power from time to time to make and ordain such by-laws, rules and regulations, as may be necessary touching the premises; especially to fix upon and determine the size and form of boats, rafts, and all other vessels that shall be used for the purpose of navigating said canal; to determine the times and manner of their passing the locks, and what commodities shall not be transported during a want of water, should such event happen on any portion of said canal; provided the same be not repugnant to the constitution and laws of this commonwealth. And the penalties provided by the said by-laws, rules and regulations, may be sued for and recovered by the treasurer of said corporation, or any other person thereunto by said corporation authorized, to their use and benefit, before any justice of the peace or any court proper to try the same, which penalties shall in no case exceed the sum of ten dollars. And said corporation shall cause all such by-laws to the breach of which penalties are affixed to be printed, and a copy thereof to be placed in some conspicuous situation at each toll house. And if any person or persons shall wantonly or maliciously mar, deface, or pull down any copy, so set up, said corporation may sue for and recover, to their own use, a sum not exceeding five dollars, of any such person or persons.

SEC. 7. *Be it further enacted,* That if any person or persons shall wilfully, maliciously, or wantonly, and contrary to law, obstruct the water or navigation, remove or in any way spoil, injure or destroy said canal, or its branches, feeders, or reservoirs, or any part thereof, or any thing belonging thereto, or any material to be used in the construction thereof, he, she or they, (or any person or persons assisting, aiding or abetting in such trespass,) shall forfeit and pay to said corporation, for every such offense, treble such damages, as shall be proved before the justice, court or jury, before whom the trial shall be had, to be sued for and recovered before any justice, or in any court proper to try the same, by the treasurer of said corporation or other officer whom they may direct, to the use of said corporation. And such offender or offenders, for any offense or offenses contrary to the

above provisions of this act, shall be liable to indictment by the grand inquest of the county; wherein the offense was committed, and on conviction thereof, either in the supreme judicial court or any court of common pleas to be holden in said county, shall pay a fine, not exceeding five hundred dollars, and not less than thirty dollars, to the use of the commonwealth, or may be imprisoned for a term not exceeding three years, at the discretion of the court, before which the conviction may be had.

SEC. 8. *Be it further enacted,* That whenever said corporation shall have located said canal, or any part thereof, or the feeders or branches thereto, or any of them, they may make a report thereof to any court of sessions within and for the said county of Hampshire, at any regular or adjourned term thereof, wherein they shall particularly describe the bearings of the intended route or any section thereof, its width including tow-paths, embankments, basins, wharves, excavations, the reservoirs intended to be constructed or used, and the names of the owners of the lands so far as the same can be ascertained, which said report, so made, of the whole, or any section of said canal, or of any one or more of the feeders, branches, or reservoirs, shall be placed on the files of said court, and notice be given thereof to the owners of the land embraced therein, if known, in such manner as the said court shall direct, at the expense of said corporation. And the said court shall thereupon appoint three discreet and disinterested freeholders of the said counties of Hampshire or Hampden, one of whom shall be an inhabitant of Hampshire, and one of Hampden, (vacancies, if any happen, to be filled by said court,) to estimate all damages, which any person or persons, whose lands are described or mentioned in such report, will sustain, provided such canal, or any branch or feeder thereof, or basin, wharf or other appendage or appurtenant be constructed thereon. And the said commissioners, before they proceed to execute their duties, shall be sworn to a faithful and impartial discharge thereof, and shall give public and seasonable notice, in such manner as said court shall direct, to all persons interested to file their claims (if any they have which have not been released to said corporation) with some one of said commissioners, or with the clerk of the courts for said county of Hampshire, within thirty days from the date of said notice. At the end of the term allowed for filing such claims for damages, the commissioners or a majority of them, having previously given notice to all

parties interested of the time and of the extent of the route to be examined, by publishing in one or more of the newspapers printed at Springfield in the county of Hampden, and in one newspaper printed in said Northampton an advertisement thereof, in three successive papers at least, shall pass over the premises so intended to be used by said corporation for the purposes aforesaid, and after hearing the parties in interest, or such of them as desire to be heard, shall according to their best skill and judgment estimate all such damages, as they shall think any person or persons, corporation or corporations will sustain by the opening of such canal or any of its branches or feeders, through his, her or their land, or by the construction of any reservoirs, embankments, tow-paths, basins, wharves, or other appendages, or by the diversion of the water from any of the ponds, rivers or streams herein before mentioned, over and above the benefits and advantages which said commissioners shall adjudge may accrue to such person or persons, corporation or corporations, from opening said canal; and the said commissioners or a major part of them, shall make return of their doings as soon as may be to said court of sessions, to the end that the same may be accepted, allowed, and recorded. And the said court shall thereupon order the said report or the substance thereof to be forthwith published in one or more of the newspapers printed in said Springfield, and in one newspaper printed in said Northampton, three weeks successively, at the expense of the corporation. And if the corporation or any person or persons interested, shall be dissatisfied with the estimate of said commissioners, application may be made by such dissatisfied party to the court of sessions within and for the county, in which the damage complained of has been sustained, at the term thereof next after the return and acceptance of such report and its publication as aforesaid, for a jury to hear and finally determine upon the amount of damages to be assessed in the case complained of; which said jury shall be summoned by the sheriff, under the direction of the court, in manner prescribed by law in case of complaints for damages occasioned by the laying out of highways; and they shall be under oath, according to the provisions of law in such cases. And if the party injured in his, her or their estate, apply for such jury, and fail to obtain increased damages, such party shall be liable for all legal costs arising after the entering of such application for a jury, and said court shall enter judgment and issue execution accordingly. And if said corporation apply for a jury, and fail

to obtain a diminution of damages, it shall, in like manner, be liable for costs, and said court may enter judgment, and issue execution for such costs. And if within ninety days after the said corporation shall have entered upon the land of any person or persons, and commenced the process of excavation or embankment, for the purpose of constructing said canal or any of its branches, feeders or reservoirs, it shall not pay or cause to be paid the damages, if any, so assessed in manner aforesaid, by said commissioners or such jury, or awarded by referees mutually agreed on by the parties as hereinafter provided, as well such person or persons on whose land operations are so commenced, as others whose water privileges shall be thereby injured, may have an action of debt against said corporation, in any court proper to try the same, to recover such damages. And execution from whatever court the same may issue, for damages assessed as aforesaid, or costs, shall be in common form, *mutatis mutandis*, and may be levied upon the goods, estate and lands of said corporation, or any member thereof; and in case it issue from the court of sessions aforesaid, for costs as aforesaid, it shall be made returnable at the term of said court then next ensuing. And the report of said commissioners, when accepted and recorded, and not appealed from in manner aforesaid, or the verdict of a jury being returned and recorded, shall forever be a bar to any action commenced for damages against said corporation, on account of the injury for which such damages were awarded, other than as is herein provided, saving only, that when yearly damages are assessed, the party in whose favor they are assessed or ascertained by a jury, shall have his action of debt to recover the same when payable, during the continuance thereof. And provided always, that wherever the water privileges of any person or persons are such, that the commissioners shall not be able before the canal is actually opened, to determine with reasonable certainty the damages which the opening of the canal will occasion, and the party injured may request it, the said commissioners shall assess the damages which such persons will sustain during a limited period, at the expiration of which time a new application may be made by such person or persons to the court of sessions for the county of Hampshire, and a new assessment of damages shall be thereupon made in manner herein before provided. And any person or persons whose water privileges shall be injuriously affected by the construction of said canal, and who

shall not have exhibited his or their claims for damages, at the time herein before provided for the exhibition of claims for damages, may nevertheless, at any subsequent period make application to the court of sessions for the county of Hampshire, and thereupon the said commissioners shall proceed to assess the damages sustained by such person or persons, in manner aforesaid.

SEC. 9. *Be it further enacted*, That said corporation shall build, and keep in good repair, suitable and convenient bridges over said canal, in all places where said canal shall pass any existing public highway or road, or any new one which may be hereafter laid out for public use, and such other bridges over said canal for the accommodation of such persons as may own lands on both sides of the canal, at such place and places, and of such dimensions as the court of sessions for the respective counties may, on application of the parties interested, order and direct.

SEC. 10. *Be it further enacted*, That if after said canal shall be located, and a report of commissioners be made thereon, in manner aforesaid, any alteration shall be made in the course thereof, or in the course of any of its feeders or branches, or if any new reservoirs, branches or feeders shall be made in aid of said canal, the damages may be estimated in the same way and the same proceedings had in manner provided in this act. *Provided, however*, that in all cases it shall be competent for said corporation and any person or persons, corporation or corporations injured by the location of said canal, or any of its tributaries or appendages, to submit the question of damages to such referees, as they may agree upon, whose award, when returned to the court of sessions, within and for the county wherein the damage has been sustained and accepted, shall be final, and said court may enter judgment accordingly. And said commissioners shall be allowed three dollars a day for their services, to be paid by the said corporation.

SEC. 11. *Be it further enacted*, That the said corporation shall be and is hereby authorized to raise sufficient funds for the accomplishment of the objects aforesaid, and for that purpose it may, as soon as it shall see fit after the passing of this act, open books at some suitable place or places, wherein subscriptions may be entered for shares in the capital stock of said corporation, each share to be of the amount of one hundred dollars, and each subscriber to be a member of the corporation for all purposes; and as soon as one thousand shares shall have been subscribed,

said corporation may be organized in manner following, to wit: The petitioners or any three of them may make application to any justice of the peace for the county of Hampshire or Hampden, requesting him to call a meeting of the proprietors, to be holden at some convenient place within either of the aforesaid counties, whereupon such justice may issue his warrant to any one of said applicants, directing him to notify the proprietors to meet at such time and place in either of said counties as the said justice may therein appoint, to do and transact all such matters and things, as may be expressed in such warrant; and the individual to whom such warrant shall be directed shall give notice of such meeting by causing said warrant to be published in one or more of the newspapers in each of said counties of Hampshire and Hampden, and also in one or more of the newspapers printed in New Haven, in the State of Connecticut; and the proprietors may at the same meeting, or at a subsequent one, choose a clerk, treasurer, and such other officer or officers, committee or committees, as they shall judge necessary for regulating the affairs of said corporation; and every member shall have a right to vote at said meeting, and at all other meetings, by himself or proxy duly authorized in writing, in the following ratio—one share, one vote, and every two additional shares one vote.

SEC. 12. *Be it further enacted*, That the books of subscription shall remain open as long as said corporation shall see fit, but no assessments shall ever be made, so as to render any subscriber liable to pay more than one hundred dollars for a share, nor shall the stock or property of said corporation be liable to any species of taxation for the term of eight years from and after the passing of this act. If after the closing of said books, or at any time it shall appear, that sufficient funds have not been raised, the corporation, or its officers duly authorized, may at any time, and from time to time, raise the necessary funds by creating and selling new shares upon the best terms that can be obtained.

SEC. 13. *Be it further enacted*, That if any subscriber shall neglect to pay his subscription or any portion thereof for the space of thirty days after he is required so to do by a vote of the corporation, the corporation, or any officer duly authorized for that purpose, may make sale of such share or shares at public auction to the highest bidder, and the same shall be transferred by the treasurer in manner hereinafter provided, to the purchaser, and such delinquent subscriber shall be held accountable to the cor-

poration for the balance of his share, if his share or shares shall so be sold for less than their nominal value, and shall be entitled to the surplus if any there shall be beyond the nominal value.

SEC. 14. *Be it further enacted*, That any share or shares of any member may be transferred by deed acknowledged and recorded by the clerk of said corporation in a book to be kept for that purpose: and the treasurer is hereby authorized to make transfers in like manner of the shares of members sold according to the provisions of the last preceding section of this act.

SEC. 15. *Be it further enacted*, That when the land or other property or estate, belonging to infants, femmes covert, or persons non compos mentis, shall be taken and appropriated for the use and purposes of said canal as aforesaid, the husbands of such femmes covert, and the guardians of such infants or persons non compos mentis, respectively, may execute any deeds, enter into any contracts, or do any other matter or thing respecting such lands or other estate to be taken and appropriated as aforesaid, as they might do if the same were by them holden in their own rights respectively.

SEC. 16. *Be it further enacted*, That all expenses, that have been or shall be incurred in procuring the inspection, examination, and surveying the location of said canal, and also all expenses, that have been or shall be incurred preparatory to the incorporation and organization of the company, shall be refunded to those, who paid the same, out of the first installment: and the amount thereof shall be entered on the books of the company, and become a part of the capital stock.

SEC. 17. *Be it further enacted*, That from and after the expiration of ten years from and after the passing of this act, if the corporation hereby created shall not have completed the said canal, the legislature of this commonwealth may, upon application of any other company for the privileges hereby granted, incorporate such other company for the purpose of making said canal.

(Approved by the Governor—Feb. 4, 1823.)

Copy,

A. BRADFORD, *Secretary*.

AN ACT

**RELATING TO THE TOLLS; LIABILITIES OF STOCKHOLDERS;
AND MANNER OF VOTING, OF THE HAMPSHIRE AND HAMP-
DEN CANAL COMPANY.**

SEC. 1. *Be it enacted by the Senate and House of Representatives in General Court assembled, and by the Authority of the same,* That the Hampshire and Hampden Canal Company be, and they are hereby authorized and empowered, at any future meeting of the said Company, legally called and assembled for that purpose, to adopt regulations reducing their toll to any sum they may judge expedient, to make a difference in their toll between empty and full boats, and to vary their tolls according to the articles transported: *Provided,* That in no case, shall a higher toll be demanded, or received, than is authorized by the act to which this is in addition.

SEC. 2. *Be it further enacted,* That the members of the said Company, in their individual capacity, shall not be liable to respond such judgments and executions as may be awarded against the said Corporation, but all such executions shall be levied only on the goods, estate, lands, rights, credits and franchises of the said Corporation, any thing in the act to which this is in addition to the contrary notwithstanding.

SEC. 3. *Be it further enacted,* That instead of the ratio of votes fixed in and by the eleventh section of the act to which this is in addition, there shall be allowed one vote for each and every share in the common stock of the Company.

(Approved by the Governor—June 18, 1825.)

AN ACT

**RELATING TO TRANSFERS OF THE STOCK OF THE HAMPSHIRE
AND HAMPDEN CANAL COMPANY.**

An Act in additon to "an Act to incorporate the Hampshire and
Hampden Canal Company."

Be it enacted by the Senate and House of Representatives, in General Court assembled, and by the Authority of the same, That any share or shares of any member or members of the corpo-

ration of the Hampshire and Hampden Canal Company, may be hereafter transferred on the books of said Company, by writing, without deed, in a book to be kept by the Treasurer for that purpose, and in such form as may be prescribed by the said Corporation, any thing in the act to which this is in addition, to the contrary notwithstanding.

(Approved by the Governor—February 18, 1830.)

AN ACT

**EXTENDING THE TIME FOR COMPLETING THE HAMPSHIRE AND
HAMPDEN CANAL, TO JANUARY 1, 1835.**

An Act in addition to "an Act to incorporate the Hampshire and Hampden Canal Company."

Be it enacted by the Senate and House of Representatives, in General Court assembled, and by the Authority of the same, That the time allowed for the completion of the Hampshire and Hampden Canal, by the seventeenth section of "an Act to incorporate the Hampshire and Hampden Canal Company," passed on the fourth day of February, one thousand eight hundred and twenty-three, be and the same is hereby extended to the first day of January, one thousand eight hundred and thirty-five.

(Approved by the Governor—February 20, 1832.)

COMMONWEALTH OF MASSACHUSETTS.**AN ACT****TO INCORPORATE THE NEW HAVEN AND NORTH-AMPTON COMPANY.**

WHEREAS the Hampshire and Hampden Canal Company, and the President, Directors and Company of the Farmington Canal, incorporated by the State of Connecticut, having been associated and connected for the purpose of constructing a canal from New Haven to Northampton, have become deeply insolvent and unable to sustain their canal or meet the demands of their creditors ; and whereas, with a view to putting and keeping said canal in repair, and securing, as far as possible the interests both of stockholders and creditors, it has been proposed that the said companies should transfer their rights, privileges and powers to a new company, to be incorporated for that purpose, until the objects of such transfer shall have been fully accomplished :

Be it enacted by the Senate and House of Representatives in General Court assembled, and by authority of the same, as follows :

SEC. 1. Samuel Hinckley, Samuel St. John and Justus Harrison, their associates and successors, are hereby made a Corporation by the name of the New Haven and Northampton Company.

SEC. 2. The Company hereby created may receive from the said Hampshire and Hampden Canal Company, and from the said Farmington Canal Company, a conveyance of all the franchises, rights, powers, and privileges of said companies, and thenceforth hold, exercise and enjoy the same, within the respective limits of those companies, in as full and ample a manner, to all intents and purposes as the same have been heretofore held, exercised and enjoyed by the said corporations respectively, upon the terms and conditions following, viz :

1. The capital stock of the Company hereby created shall not exceed the sum of three hundred thousand dollars, to be divided into shares of twenty-five dollars each, of which five thousand

four hundred shares, or one hundred and thirty-five thousand dollars shall be subscribed to be paid in cash.

2. Creditors of the Hampshire and Hampden Canal Company, and creditors of the Farmington Canal Company, and all persons having claims against said companies respectively, may within six months from the organization of the company hereby created, subscribe the amount of their claims, the same being first liquidated, to the stock of this company upon such terms as this company may prescribe.

3. Within ninety days from the organization of this company, public notice shall be given of the same in some newspaper printed at Westfield in the county of Hampden, and in some newspaper printed at Northampton in the county of Hampshire, that the company being organized, books are opened at some convenient place in each of those counties to receive subscriptions from creditors, and upon the actual transfer of the claims of such creditors, certificates shall be issued by the company of the stock thus subscribed for.

4. The company hereby created, from and after the organization thereof, and the conveyance of the franchises of said Hampshire and Hampden Canal Company and the Farmington Canal Company, shall be held to construct bridges, keep the canal in repair, and be subject to all future damages and liabilities, in the same manner and to the same extent the said companies respectively would have been liable, had no such conveyance been made.

5. The company hereby created shall keep an accurate account of all moneys subscribed and paid, all claims assigned, and all moneys expended in taking possession of the canal, and managing and keeping it in repair, and of all their receipts and disbursements of every nature, which account shall be examined and audited in the month of December annually, at the expense of this company, by two commissioners to be appointed for that purpose, one by the Governor of this Commonwealth, and the other by the Governor of the State of Connecticut.

6. Whenever the said Hampshire and Hampden Canal Company, and the Farmington Canal Company shall pay to the Company hereby created, the full amount of all their debts assigned to it, and all such sums of money as this company may expend upon said canal, with interest on said debts and money expended, together with all expenses, which may in any way arise

or be incurred by this Company, in consequence of taking possession of said canal, superintending and managing the same, after deducting therefrom the income of said canal, then all the rights of this Company shall cease, and all the right and title conveyed to it by the Hampshire and Hamden Canal Company and the Farmington Canal Company, be restored and revested in those Companies.

And whereas, said Samuel Hinckley, and others, in contemplation of an act of incorporation, have subscribed said sum of one hundred and thirty-five thousand dollars payable in cash to John Fitch, Esq., part whereof is already paid, and most of the creditors of the Hampshire and Hampden Canal Company and the Farmington Canal Company respectively have subscribed the amount of their claims, and transferred their securities to said Fitch, in trust to hold, assign and deliver over the same to this Company, when incorporated, upon the terms provided therefor.

SEC. 3. Whenever said Fitch shall assign and deliver over to the Company hereby created, the subscription moneys, debts and securities, so made, paid and transferred to him as aforesaid, the said cash subscription shall be received and considered by this Company, as the subscription of one hundred and thirty-five thousand dollars, herein before required, and such subscriptions of claims as also made under the provisions of this act, and each subscriber entitled upon the terms prescribed by this company to one share, shall be considered a member thereof.

SEC. 4. The installments upon that part of the stock subscription, payable in cash, may be called for at such times as this Company or the Directors thereof may appoint, and any subscriber, who after thirty days previous notice in some newspaper printed at New Haven, and in some newspaper printed in Northampton, that an installment is ordered, shall delay for the term of ten days to pay such installment to the Treasurer of this Corporation, shall forfeit to the Company the whole of his stock, upon which such installment is due, but no person subscribing to the stock of this Company shall in any event be liable to pay more than the amount of his subscription.

SEC. 5. Each share in the stock of this Corporation shall entitle its holder to one vote, and each stockholder shall be allowed to act at all meetings of the Corporation by attorney, and to transfer his shares in such manner as the Company by its by-laws may direct.

SEC. 6. Whenever the cash subscription of stock shall amount to one hundred and thirty-five thousand dollars, either by the transfer contemplated by the third section of this act, or otherwise, the Corporation hereby created may be organized, and thenceforward, upon the franchises of the Hampshire and Hampden Canal Company, and the Farmington Canal Company being conveyed to this Company, as authorized by the second section of this act, all penalties incurred, whether before or after, under the act establishing the Hampshire and Hampden Canal Company, and with the assent of the State of Connecticut, under the act establishing the Farmington Canal Company, shall enure to the benefit of this Company: *Provided, however,* That all actions, complaints, and processes then pending, or commenced within sixty days from the passing of this act, against either of said Corporations, may be proceeded in, as if this act had not been passed.

(Approved by the Governor—April 9, 1836.)

Copy attest,

JOHN P. BIGELOW,
Secretary of the Commonwealth.

AN ACT

**AUTHORIZING NOTICES TO BE PUBLISHED IN ANY NEWSPAPER
PRINTED IN THE COUNTY OF HAMPDEN.**

An Act in addition to "an Act to incorporate the New Haven and Northampton Company."

Be it enacted by the Senate and House of Representatives in General Court assembled, and by the Authority of the same, as follows: The notice which in, and by the act entitled "an Act to incorporate the New Haven and Northampton Company," passed the ninth of April, in the year of our Lord one thousand eight hundred and thirty-six, is to be given in some newspaper printed in Westfield in the county of Hampden, may be given in such newspaper, or in want thereof, in any other newspaper printed in said county.

(Approved by the Governor—April 14, 1836.)

Copy attest,

JOHN P. BIGELOW,
Secretary of the Commonwealth.

STATE OF CONNECTICUT.

AN ACT

TO INCORPORATE THE NEW HAVEN AND NORTH-AMPTON COMPANY.

At a General Assembly of the State of Connecticut, holden at New Haven, in said State, on the first Wednesday of May, in the year of our Lord one thousand eight hundred and thirty-six.

WHEREAS upon the petition of Justus Harrison, Samuel St. John, and Samuel Hinckley, it appears that the "President, Directors and Company of the Farmington Canal," heretofore incorporated by the Legislature of this State, and the "Hampshire and Hampden Canal Company," heretofore incorporated by the Legislature of the State of Massachusetts having been associated and connected for the purpose of constructing and maintaining a navigable canal, from the tide waters in New Haven to Connecticut river at Northampton, have become deeply insolvent and unable to sustain their canal, or meet the demands of their creditors.—And that with a view to putting and keeping said canal in repair, and securing as far as possible the interests both of stockholders and creditors, it has been proposed that the said Companies should transfer their rights, privileges and powers to a new Company to be incorporated for that purpose, until the objects of such transfer shall have been fully accomplished, and that the petitioners have been by the Legislature of Massachusetts at its session in 1836, incorporated for the purposes aforesaid, therefore *Resolved*,

SEC. 1. That the said Justus Harrison, Samuel St. John and Samuel Hinckley, their associates and successors, are hereby made a corporation in this State, by the name of the "New Haven and Northampton Company," and shall have power in that name to sue and be sued, appear, prosecute, and defend in any court or elsewhere; to have a common seal, and the same to alter at pleasure; to elect, in such manner as they shall deem proper, all necessary officers, to fix their compensation, and define their duties and obligations; to take, receive, hold, transfer and convey

real and personal estate; to make such by-laws, rules and regulations, as they may deem necessary and proper, not inconsistent with the laws of this State, for their own government, and for the due and orderly conducting their affairs and the management of their property, regulating the manner of calling and conducting all meetings, the mode of voting by proxy, of transferring shares for non payment of assessments, prescribing the number of members that shall constitute a quorum and the tenure of office of their respective officers, and said corporation may exercise and enjoy all powers and privileges and immunities which are or may be necessary to carry into effect the purposes and objects of this act.

SEC. 2. The capital stock of the company hereby created shall not exceed the sum of three hundred thousand dollars to be divided into shares of twenty-five dollars each, of which five thousand four hundred shares, or one hundred and thirty-five thousand dollars shall be subscribed to be paid in cash.

SEC. 3. The creditors of the "Hampshire and Hampden Canal Company," and the creditors of the "President, Directors and Company of the Farmington Canal," and all persons having claims against said companies respectively, may within six months from the organization of the Company hereby created, subscribe the amount of their debts or claims, the same being first liquidated, to the stock of this company upon such terms as may have been agreed upon; and whereas it further appears that said Justus Harrison and others, in contemplation of an act of incorporation, have subscribed said sum of one hundred and thirty-five thousand dollars payable in cash to John Fitch, Esq., part whereof is already paid, and most of the creditors of the "Hampshire and Hampden Canal Company," and of the President, Directors and Company of the Farmington Canal" respectively, have subscribed the amount of their claims, and transferred the same with their securities to the said Fitch, in trust, to hold, assign, and deliver over the same to this Company, when incorporated upon the terms provided therefor, therefore *Resolved further,*

SEC. 4. Whenever the said Fitch shall assign and deliver over to the persons named in the first section hereof, the subscriptions, moneys, debts and securities so made, paid and transferred to him as aforesaid, the said cash subscriptions so made and assigned, shall be received and considered as the subscription of 135,000 dollars herein before required, and said subscriptions of debts and claims so already made as aforesaid, when so assigned,

shall be received and considered as if subscribed under the provisions of this act; and each subscriber entitled by the terms agreed upon, to one share, shall be considered a member of this corporation; and thereupon the corporation hereby created, may be organized, and for that purpose the persons named in the first section of this act, or a majority of them may call the first meeting of the stockholders.

SEC. 5. Each share in the stock of this corporation shall entitle its holder to one vote, and each stockholder shall be allowed to act at all meetings of the corporation, by attorney, and to transfer his shares as the company by its by-laws may direct.

SEC. 6. The installments upon that part of the stock subscription payable in cash may be called for at such times as this Company, or the Directors thereof may appoint, and any subscriber who after thirty days previous notice in some newspaper printed in New Haven, and in some newspaper printed at Northampton, that the second, or any subsequent installment is ordered, shall delay for the term of ten days to pay such installment to the treasurer of this corporation, shall forfeit to the Company the whole of his stock upon which such installment is due. But no person subscribing to the stock of this Company shall in any event be liable to pay more than the amount of his subscription.

SEC. 7. The Company hereby created may receive from said "Hampshire and Hampden Canal Company," and from the said "President, Directors and Company of the Farmington Canal," a conveyance of all the franchises, rights, powers, privileges and immunities of said Companies and thenceforth hold, exercise and enjoy the same within the respective limits of those Companies in as full and ample a manner to all intents and purposes, as the same have been heretofore held, exercised and enjoyed by the said Corporations respectively for the purposes, and with the limitations herein contained.

SEC. 8. Within ninety days from the organization of this Company, public notice shall be given by the same in some one newspaper printed in New Haven, and one newspaper printed in Northampton, that books are opened to receive subscriptions from creditors of said Canal Companies, who have not subscribed their debts to the stock of this Corporation, and upon the actual transfer of the liquidated claims of such creditors, certificates shall be issued by the company of the stock thus subscribed for.

SEC. 9. The Company hereby created shall keep an accurate

account of all moneys subscribed and paid, all claims assigned, and all moneys expended in taking possession of the Canal and managing and keeping it in repair; and of all their receipts and disbursements of every nature; which account shall be examined and audited in the month of December annually, at the expense of the company, by two Commissioners to be appointed for that purpose, one by the Governor of this State, and the other by the Governor of the State of Massachusetts.

SEC. 10. Whenever the said "Hampshire and Hampden Canal Company, and the "President, Directors and Company of the Farmington Canal" shall pay to the Company hereby created the full amount of all their debts assigned to it, and all such sums of money as this Company may expend upon said canal, with interest on said debts and moneys expended, together with all expenses, which may in any way arise or be incurred by this company in consequence of taking possession of said canal, superintending and managing the same, after deducting therefrom the income of said canal, then all the rights of this company shall cease, and all the right and title conveyed to it by the "Hampshire and Hampden Canal Company," and the "President, Directors and Company of the Farmington Canal," shall be restored to and revested in, those companies respectively.

SEC. 11. The Company hereby created, from and after the organization thereof, and the conveyance of the franchises of said "Hampshire and Hampden Canal Company," and of the "President, Directors and Company of the Farmington Canal," shall be held to construct and maintain bridges with suitable abutments and embankments at the same, keep the same also the canal in repair, and be subject to all future damages and liabilities in the same manner and to the same extent as the said companies would have been respectively liable, had no such conveyance been made, and said company hereby incorporated and the stockholders therein may thenceforth exercise all the powers, and enjoy all the privileges and immunities conferred upon said old companies respectively, and the stockholders therein. And all penalties incurred whether before or after, under the act establishing the "President, Directors and Company of the Farmington Canal" shall enure to the benefit of this Company who may sue for the same.

SEC. 12. There shall continue to be a board of Commissioners for said Farmington Canal, whose powers and duties shall be the same under this act, as under the act incorporating said "Pre-

